

REMARKS

This Amendment is submitted in response to the final Office Action mailed on August 4, 2008. A Request for Continued Examination ("RCE") (\$810.00) is submitted herewith. The Director is authorized to charge \$810.00 for the RCE and any additional fees which may be required, or to credit any overpayment to Deposit Account No. 02-1818. If such a withdrawal is made, please indicate the Attorney Docket No. 112857-508 on the account statement.

Claims 1-6 are pending in this application. In the Office Action, Claims 1-3 and 6 are rejected under 35 U.S.C. §102. Claims 4-5 are rejected under 35 U.S.C. §103. In response, Claims 1-3 and 6 have been amended. These amendments do not add new matter. At least in view of the amendments and/or for the reasons set forth below, Applicants respectfully submit that the rejections should be withdrawn.

In the Office Action, the Patent Office alleges that the information disclosure statement ("IDS") filed January 11, 2006 fails to comply with 37 C.F.R. 1.98(a)(2) because it did not provide legible copies of the cited references. While Applicants do not necessarily agree with the Patent Office position, in the spirit of cooperation and in an attempt to resolve this issue, Applicants are submitting a Supplemental IDS herewith which identifies Japanese Patent Application No. 11-353845 with a copy thereof and an English language translation also enclosed herewith. Regarding the remaining other Japanese patent publications referenced in the IDS submitted on January 11, 2006 and allegedly of issue, Applicants believe that such documents have been made of record as evidenced on pages 1 and 2 of the Notice of References Cited and attached to the Office Action dated June 19, 2008. Applicants respectfully request that the Patent Office consider the reference cited in the Supplemental IDS, and thus request that the alleges IDS issue be resolved.

In the Office Action, Claims 1-3 and 6 are rejected under 35 U.S.C. §102(b) as being anticipated by Japanese Publication No. 11-339426 to Kamaya et al. ("*Kamaya*"). In response, Claims 1-3 and 6 have been amended. In view of the amendments and/or for at least the reasons set forth below, Applicants respectfully submit that *Kamaya* fails to disclose or suggest each and every element of independent Claims 1-2 and 6 and Claim 3 that depends therefrom.

Currently amended independent Claim 1 recites, in part, a shutter unit for a disc cartridge comprising: a shutter unit for opening/ closing an aperture of a disc cartridge, having a disc accommodated in the inside thereof, said aperture serving for exposing a portion of a recording area of said disc to outside; a lock member rotationally mounted to said shutter unit; and biasing

means for biasing said shutter unit in a direction of engaging said lock member with an engagement part provided to said disc cartridge, wherein said lock member comprises an elongated plate-shaped member which includes a thrust part on one side and an engagement piece on an opposite side, wherein said thrust part is adapted for rotationally engaging a connecting piece provided to said shutter unit and said engagement piece is adapted for rotationally engaging said engagement part.

Similarly, currently amended independent Claims 3 and 6 recite, in part, a disc cartridge comprising: a disc; a main cartridge body unit having said disc rotatably housed therein and including an aperture for exposing a part of said disc across the inner and outer rims of the disc; a shutter unit mounted movably to said main cartridge body unit for opening or closing said aperture; a lock member for locking said shutter unit in a position of closing said aperture; an engagement part provided to said main cartridge body unit for rotational engagement by said lock member; and a biasing member for biasing said lock member in a direction of engaging with said engagement part, wherein said lock member comprises an elongated plate-shaped member which includes a thrust part on one side and an engagement piece on an opposite side, wherein said thrust part is adapted for rotationally engaging a connecting piece provided to said shutter unit and said engagement piece is adapted for rotationally engaging said engagement part. These amendments do not add new matter. These amendments are supported in the Specification at, for example, page 4, paragraphs 68-69; page 5, paragraphs 71-73 and 75; Figs. 5 and 8. By providing the thrust part of the lock member to rotationally engage the connecting piece of the shutter unit, the lock member inhibits movement of the shutter unit to the disc recording and/or reproduction apparatus. See, Specification, page 5, paragraphs 71, 75. Furthermore, the lock member of the present claims may be provided such that when the shutter member is in the closure position, the lock member is positioned over the recording and/or reproducing apparatus, thereby reducing the size of the disc cartridge. See, Specification, page 2, paragraph 17. In contrast, *Kamaya* fails to disclose every element of the present claims.]

For example, *Kamaya* fails to disclose or suggest a lock member that comprises an elongated plate-shaped member which includes a thrust part on one side and an engagement piece on an opposite side, wherein said thrust part is adapted for rotationally engaging a connecting piece provided to said shutter unit and said engagement piece is adapted for rotationally engaging said engagement part as required, in part, by independent Claims 1, 3 and 6. The Patent Office asserts that the lock unit of *Kamaya* which includes parts 81-83 and 85-88

is rotationally mounted to the shutter unit and adapted for rotationally engaging an engagement part provided to the disc cartridge. See, Office Action, page 2, lines 20-22. However, the portion of *Kamaya* relied on by the Patent Office merely discloses an engagement piece 81 which engages which the cartridge body. See, *Kamaya*, [0086]. The engagement piece includes an engagement pawl 85 for engaging with the cartridge body at a tip. See, *Kamaya*, [0087]. However, nowhere does the lock unit of *Kamaya* disclose an elongated plate-shaped member which includes a thrust part on one side and an engagement piece on the other side, nor does the Patent Office cite support for such claimed element. Instead, *Kamaya* merely discloses a lock unit which includes an engagement piece 81. See, *Kamaya*, Figs. 17-18. In fact, the opposite side of the engagement piece 81 of *Kamaya* is a contact part 88 which contacts the shutter operation arm, not a thrust part which engages a connecting piece of the shutter unit as required, in part, by the present claims.

The Patent Office relies heavily on the claim term “engagement” to assert that the claims do not require that a particular component of the lock unit contact the engagement part in a rotational manner. See, Office Action, page 6, lines 9-21. However, Applicants respectfully submit that currently amended Claims 1-3 and 6 require that a particular component of the lock member, the engagement piece, engage the engagement part of the cartridge body in a rotational manner. Moreover, the present claims require that the lock member include an elongated plate-shaped member which includes, on an opposite side of the engagement piece, a thrust part for rotationally engaging a connecting piece of the shutter unit. In contrast, *Kamaya* merely discloses a lock unit which includes an engagement piece 81, an engagement pawl 85 provided on the engagement piece, and a contact member 88 on an opposite side of the engagement piece which contacts the shutter operation arm. See, *Kamaya*, [0086]-[0090]; Figs. 17-18. The lock unit is not an elongated plate-shaped member but rather a set of separate parts including a pawl, a spring and members connected to the spring. See, *Kamaya*, Figs. 17-18. Nor does *Kamaya* disclose that its lock unit includes on one side a part which is adapted for rotationally engaging a connecting piece of the shutter unit. As such, Applicants respectfully submit that *Kamaya* fails to disclose or suggest a lock member that comprises an elongated plate-shaped member which includes a thrust part on one side and an engagement piece on an opposite side, wherein said thrust part is adapted for rotationally engaging a connecting piece provided to said shutter unit and said engagement piece is adapted for rotationally engaging said engagement part in accordance with the present claims.

Accordingly, Applicants respectfully request that the rejection of Claims 1-3 and 6 under 35 U.S.C. §102(b) to *Kamaya* be withdrawn.

In the Office Action, Claims 4-5 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Kamaya* in view of Japanese Publication No. 2001-357650 to Shimazaki ("*Shimazaki*"). Applicants respectfully submit that the cited references fail to disclose or suggest each and every element of Claims 4-5.

As discussed previously, *Kamaya* fails to disclose or suggest a lock member that comprises an elongated plate-shaped member which includes a thrust part on one side and an engagement piece on an opposite side, wherein said thrust part is adapted for rotationally engaging a connecting piece provided to said shutter unit and said engagement piece is adapted for rotationally engaging said engagement part. The Patent Office relies on *Shimazaki* merely as support for a disc cartridge in which an inserting end of said main cartridge body unit into a recording and/or reproducing apparatus is a substantially semicircular arcuate section, centered about the center of said disc, accommodated in said main cartridge body unit, said aperture being formed for opening to a lateral side of said main cartridge body unit other than the lateral side formed as said arcuate section as required, in part, by Claims 4-5. See, Office Action, page 4, lines 17-22; page 5, lines 1-7. Thus, Applicants respectfully submit that *Shimazaki* fails to remedy the deficiencies of *Kamaya* with respect to the present claims.


Accordingly, Applicants respectfully request that the rejection of Claims 4-5 under 35 U.S.C. §103(a) to *Kamaya* in view of *Shimazaki* be withdrawn.

For the foregoing reasons, Applicants respectfully submit that the present application is in condition for allowance and earnestly solicit reconsideration of same.

Respectfully submitted,

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